

BOARD OF SUPERVISORS
COUNTY OF STAFFORD, VIRGINIA

MINUTES

Regular Meeting
September 15, 2009

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:02 P. M., Tuesday, September 15, 2009, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz, Chairman; Paul V. Milde, III; Robert “Bob” Woodson; Harry E. Crisp, Vice Chairman; and Mark Dudenhefer. M. S. “Joe” Brito arrived at 1:04 P.M. and Cord A. Sterling arrived at 1:12 P.M.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk, associated staff and interested parties.

Legislative; Work Session on Transportation Impact Fees. Mr. Fulton deLamorton, Transportation Administrator, assisted by Senior Transportation Planner, Sara Woolfenden, gave a presentation and responded to Board members questions. Mr. Jim McMath, member of the Transportation Impact Fee Advisory Committee, also gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Woodson to direct staff to run the February 2009 model including for consideration both the commercial and non-commercial options. The County Attorney's office was asked to provide an ordinance and recommendation in 90 days.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Legislative; Work Session on Approval of a Charter to Formalize the Audit Committee and Affirm the Board's Commitment to Strengthen the County's Financial Position and Improve Its Credit Rating. Mrs. Maria Perrotte, Chief Financial Officer, gave a presentation and responded to Board members questions.

Mr. Woodson motioned, seconded by Mr. Crisp to adopt proposed Resolution R09-356.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Resolution R09-356 reads as follows:

A RESOLUTION TO APPROVE A CHARTER TO FORMALIZE THE AUDIT COMMITTEE AND AFFIRM THE BOARD'S COMMITMENT TO STRENGTHEN THE COUNTY'S FINANCIAL POSITION AND IMPROVE ITS CREDIT RATING

WHEREAS, it is the desire of the Board to establish a charter to formalize the role of the audit and finance committee; and

WHEREAS, the Board desires to reaffirm its commitment to excellence in financial management; and

WHEREAS, the Board desires to enhance the County's bond rating which will result in lower costs of capital projects: and

WHEREAS, establishment of two new fund balance reserves is desirable to strengthen the County's financial position;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September, 2009 that the "Audit and Finance Committee Charter", be and hereby is adopted; and

BE IT FURTHER RESOLVED that the Board of Supervisors express its intent to improve its bond rating from Aa3/AA-/AA- to Aa1/AA+/AA+; and

BE IT STILL FURTHER RESOLVED that the Board of Supervisors reaffirms its commitment to adhere to the County's finance policies and approves establishment of the following fund balance reserves: Capital Projects Reserve and Revenue Stabilization Reserve.

Legislative; FY2009 Preliminary Year-End Review. Mrs. Nancy Collins, Budget Division Director, gave a presentation and responded to Board members questions.

Legislative; Work Session on Reclassification of Property at 75 Old Potomac Church road from A-1, Agricultural, to B-2, Urban Commercial, on Assessor's Parcel 39-71A, Consisting of 52.83 Acres. Mr. Sherman Patrick, a representative of South Campus, gave a brief introduction. John Riley gave a presentation and responded to Board members questions.

Legislative; Additions to the Regular Agenda. Mr. Dudenhefer motioned, seconded by Mr. Crisp, to add Item 18b - Appoint a Member to the Community Policy and Management Team; Item 25 – Discuss Planning Commission Letter addressed to the Board; and Item 26 – Discussion of the Board of Supervisors Bylaws.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Legislative; Consent Agenda. Mr. Dudenhefer motioned, seconded by Mr. Woodson, to adopt the Consent Agenda consisting of Items 7 thru 19, omitting Items 15 and 19. Item 8 was deleted from the agenda prior to the meeting.

Item 7. Legislative; Approve Minutes of Board Meeting. Regular Meeting of September 1, 2009.

Item 9. Utilities; Award Contract for Sewer Infrastructure Rehabilitation

Resolution R09-337 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR THE REHABILITATION OF THE
WASTEWATER COLLECTION SYSTEM INFRASTRUCTURE

WHEREAS, Utilities staff has identified components of the wastewater collection system that have deteriorated and are in need of rehabilitation; and

WHEREAS, the Board has appropriated funds in the FY2010 Capital Budget to maintain the integrity of these components; and

WHEREAS, Stafford County has an option to ride off of a contract Lyttle Utilities has with Stephens City, Virginia to perform the types of rehabilitation needed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September 2009, that the County Administrator be and he hereby is authorized to execute a contract with Lyttle Utilities, Inc. in an amount not to exceed Two Hundred Forty-nine Thousand Eight Hundred Seventy Dollars (\$249,870) for this purpose.

Item 10. Utilities; Award Contract for Utilities Billing Services

Resolution R09-350 reads as follows:

A RESOLUTION TO AUTHORIZE A CONTRACT AMENDMENT FOR
UTILITIES BILLING SERVICES

WHEREAS, the Department of Utilities uses DataProse for electronic utility bill printing and mailing services; and

WHEREAS, the existing contract contains provisions for renewal for up to nine (9) additional one-year periods; and

WHEREAS, funds have been appropriated in the FY2010 Facilities Maintenance Operating Budget for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September, 2009, that the County Administrator be and he hereby is authorized to execute a contract amendment with DataProse to provide utility bill printing and mailing services in an amount not to exceed One Hundred Eighty-six Thousand Five Hundred Dollars (\$186,500) in FY2010.

Item 11. Finance; Approve the Rappahannock Regional Jail Authority Debt Refinancing

Resolution R09-351 reads as follows:

A RESOLUTION APPROVING THE ISSUANCE OF DEBT BY THE
RAPPAHANNOCK REGIONAL JAIL AUTHORITY

WHEREAS, the County of Stafford, Virginia (the “County”) entered into that certain Service Agreement, dated January 27, 1995, as amended on November 28, 1995 and December 17, 1996 (the “Service Agreement”) among itself, the City of Fredericksburg and the counties of King George and Spotsylvania (collectively, the “Member Jurisdictions”) and the Rappahannock Regional Jail Authority (the “Authority”), in connection with the acquisition, construction, equipping and operation of a regional jail facility located in Stafford, Virginia (the “Regional Jail”); and

WHEREAS, pursuant to the Service Agreement, the Member Jurisdictions are responsible for the payment of fees and charges for the use by their prisoners of the

Regional Jail, and such payments are the primary source of revenue from which the Authority pays expenses of operations, including debt service on its bonds and other obligations; and

WHEREAS, the Board of Directors of the Authority has authorized and approved the proposed issuance by the Authority of its refunding revenue bonds in the aggregate principal amount not to exceed \$35,000,000 (the “Bonds”) for the purpose of refinancing all or a portion of the Authority’s revenue bonds issued in 1998 in connection with the initial acquisition, construction and equipping of the Regional Jail and the costs of issuing the Bonds (the “Project”); and

WHEREAS, the Authority and the County have determined it is in the best interest of the Authority to sell the Bonds to the Virginia Resources Authority (“VRA”), which will result in substantial benefit and savings to the Authority and the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September, 2009, that it be and hereby does:

1. Consent to Issuance and Sale of Bonds. The County hereby acknowledges the benefits and savings and consents to the issuance and sale of the Bonds by the Authority to VRA for the Project described above, subject to the adoption of similar resolutions by the governing bodies of the other Member Jurisdictions.

2. Bonds Limited Obligation of the Authority. The County hereby acknowledges and agrees that the source of the payment of and security for debt service on the Bonds are the revenues of the Authority, including but not limited to the fees and charges paid the by the County. It is to be understood that the documents reflecting the terms and provisions of the Bonds shall provide that such indebtedness shall not be deemed to constitute a debt or pledge of the faith and credit or the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the County, and that neither the Commonwealth nor any other political subdivision or the Authority shall be obligated to pay the principal of, premium, if any, or interest on such indebtedness or other costs incident thereto, except from the revenues pledged by the Authority therefore, all as permitted by law and described under the documentation in connection with the Bonds.

3. **Ratification of Service Agreement.** All terms and provisions of the Service Agreement are hereby ratified and confirmed by the County.

4. **Effective Date.** This resolution shall take effect immediately.

Item 12. Planning and Zoning; Authorize the County Administrator to Execute the 2010 Census Partnership Program

Resolution R09-352 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO PARTICIPATE IN THE 2010 CENSUS PARTNERSHIP PROGRAM

WHEREAS, Stafford County recognizes the importance of the 2010 Census, and the importance of providing the most accurate demographic information in order to ensure that localities receive its fair share of State and Federal Appropriations; and

WHEREAS, the Census Bureau is inviting local governments across the nation to join the 2010 Census Partnership Program (“the Program”) to encourage public cooperation with and full response to the 2010 Census; and

WHEREAS, on July 1, 2009, the Region’s local government planning directors met with the Census Bureau representatives and endorsed the Region’s Participation in the Program, and further volunteered to serve as liaisons between local Census Participation Programs and the regional Program;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 15th day of September, 2009, that the Board be and it hereby does authorize the County Administrator to participate in the U.S. Census Bureau’s 2010 Census Partnership Program.

Item 13. Planning and Zoning; Authorize a Public Hearing to Amend the Stormwater Management Ordinance Regarding Dam Inundation Zones

Resolution R09-332 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND STAFFORD
COUNTY CODE, SECTION 21.5-2, TO COMPLY WITH SECTION
10.1-606.2 OF THE CODE OF VIRGINIA

WHEREAS, the local Stormwater Management Programs are authorized by the Code of Virginia to have more stringent regulations than the State; and

WHEREAS, the Board desires to amend the Stormwater Management Ordinance to prevent any further degradation to water resources, stream channel erosion, groundwater resources, or flooding and loss of life and property due to dam inundation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September 2009, that the County Administrator be and he hereby is authorized to advertise a public hearing on October 20, 2009, to amend Stafford County Code, Section 21.5-2, as stated by Proposed Ordinance O09-56.

Item 14. Public Works; Endorse the At-Grade Conceptual Design for the Falmouth Intersection Improvement Project

Resolution R09-353 reads as follows:

A RESOLUTION TO ENDORSE THE VIRGINIA DEPARTMENT OF
TRANSPORTATION'S PROPOSED AT-GRADE CONCEPTUAL DESIGN
FOR THE FALMOUTH INTERSECTION IMPROVEMENT PROJECT

WHEREAS, congestion and traffic delays have existed for decades at the intersection of Cambridge Street (US-1), Warrenton Road (US-17 Business), and Butler Road (SR-218), known as the Falmouth Intersection; and

WHEREAS, improvements to this critical intersection have been a priority of the Board for many years; and

WHEREAS, on August 4, 2009, the Virginia Department of Transportation (VDOT) conducted a Citizen Information Meeting on two conceptual designs to improve the intersection; and

WHEREAS, having reviewed the conceptual designs, it is the Board's desire to endorse the at-grade conceptual design;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September, 2009, that the Board be and it hereby does endorse the at-grade conceptual design for the Falmouth Intersection improvement project; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the County's Commonwealth Transportation Board (CTB) Representative and to the VDOT Residency Administrator.

Item 16. Utilities; Authorize Advertisement of Roseville Plantation Large Water Extension Project

Resolution R09-354 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE THE ROSEVILLE PLANTATION LARGE WATER
EXTENSION PROJECT FOR BID

WHEREAS, the Board previously approved the construction of the Roseville Plantation Large Water Project at an estimated cost of \$1,030,000; and

WHEREAS, the project is complete and ready to advertise; and

WHEREAS, the estimated construction cost of the project is now estimated at \$2,500,000; and

WHEREAS, the Board desires to construct the project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on the 15th day of September, 2009, that the County Administrator be and he hereby is authorized to advertise the project for public bid.

Item 17. Public Works; Consider Referring to the Planning Commission Amendments to the Zoning and Subdivision Ordinances for a Public Hearing Regarding Transportation Impact Analysis Requirements

Resolution R09-339 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES FOR A PUBLIC HEARING REGARDING THE TRANSPORTATION IMPACT ANALYSIS REQUIREMENTS

WHEREAS, land development impacts the transportation network; and

WHEREAS, proper Transportation Impact Analysis (TIA) is needed to provide sufficient information to ascertain the impact of land development on the transportation network; and

WHEREAS, Section 15.2-2222.1 of the Code of Virginia (1950), as amended, authorizes that applicants submit a TIA for land development including rezonings, CUPs, preliminary plans, and site plans meeting the Virginia Department of Transportation (VDOT) requirements for TIAs; and

WHEREAS, County ordinances regarding TIAs have not adapted to the changes to the Code of Virginia; and

WHEREAS, public necessity, convenience, general welfare and good zoning and subdivision practices require the proposed amendment; and

WHEREAS, the Planning Commission has reviewed these ordinances and requests Board authorization for a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 15th day of September 2009, that the amendments to the Zoning and Subdivision Ordinances pursuant to proposed Ordinances O09-45, O09-46, O09-47, and O09-48 be and they hereby are referred to the Planning Commission for its consideration and a public hearing.

Item 18. Legislative; Appoint a Member to the Board of Social Services

Resolution R09-357 reads as follows:

A RESOLUTION TO REAPPOINT A MEMBER TO THE BOARD OF
SOCIAL SERVICES

WHEREAS, Sections 63.1-36 through 63.1-58 of the Code of Virginia (1950), as amended, authorize the Board to appoint members to serve on the Board of Social Services; and

WHEREAS, the Board of Social Services consists of three members with terms of four years; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
Robert (Bob) Woodson (Board of Supervisors)	December 31, 2011
Frederick A. Donahoe (Member-At-Large)	August 31, 2010
Barbara Jean Hamilton (Member-At-Large)	August 31, 2009

WHEREAS, Barbara J. Hamilton's term has expired; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September, 2009 that

<u>NAME</u>	<u>EXPIRATION</u>
Barbara Jean Hamilton (Member-At-Large)	August 31, 2013

be and she hereby is reappointed to the Board of Social Services.

Legislative; Establish Legislative Initiatives for the 2010 Virginia General Assembly.

Mr. Woodson commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R09-349. Mr. Woodson made a substitute motion, seconded by Mr. Schwartz to delete Item 3b “exempt commercial development from paying the impact fee”.

Discussion ensued.

Mr. Milde made a second substitute motion to adopt proposed Resolution R09-349 in its current form, leaving in the statement “exempt commercial development from paying the impact fee”.

The Voting Board tally was:

Yea: (7) Milde, Dudenhefer, Schwartz, Woodson, Sterling, Brito, Crisp

Nay: (0)

Resolution R09-349 reads as follows:

A RESOLUTION TO ESTABLISH LEGISLATIVE INITIATIVES FOR
THE 2010 VIRGINIA GENERAL ASSEMBLY

WHEREAS, the Board seeks enabling legislation and amendments to the Code of Virginia to accomplish Stafford County’s legislative initiatives for the 2010 Virginia General Assembly; and

WHEREAS, the Board recognizes that the Commonwealth and its local governments are partners in providing many services to our citizens; and

WHEREAS, the Board opposes efforts to reduce the authority or flexibility of local governments to govern its citizens, or to shift responsibility for shared services to localities alone; and

WHEREAS, the Board desires that the Virginia Association of Counties (VACo) supports the legislative initiatives contained herein;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September, 2009 that the members of the General Assembly representing Stafford be and they hereby are requested to introduce and support the following priority initiatives:

- 1) **Funding for Virginia Railway Express.** As an interim step to attaining the Commonwealth's goal to provide 95% of eligible transit operating and capital costs, Stafford requests budget legislation such that the Commonwealth provides annual funding to offset Virginia Railway Express operational costs attributable to persons using VRE services but who reside in non-VRE member localities.
- 2) **Property Maintenance Code.** Enabling legislation to allow the local governing body to apply the local property maintenance code throughout the entire jurisdiction or to a portion of the jurisdiction based upon zoning classification. In the case of a residential zoning classification, the locality may choose to enforce the property maintenance code in areas based upon density.
- 3) **Amendments to the Road Impact Fee Authority to allow localities to:**
 - a) exempt family subdivisions from paying the impact fee;
 - b) exempt commercial development from paying the impact fee;
 - c) levy the impact fee on any new residential dwelling units.
- 4) **Amendments to the Comprehensive Plan.** An amendment to Section 15.2-2229 of the Code of Virginia to provide that, if the governing body desires an amendment to the Comprehensive Plan, it may direct the local planning commission to prepare an amendment, or the governing body may submit a proposed amendment to the commission requesting its recommendation. Further, the commission shall be required to forward its recommendation on the amendment to the governing body within 40 days after a public hearing is held by the commission. Failure of the commission to forward its recommendation within the specified time frame shall be deemed a favorable recommendation of any amendment prepared by the governing body and presented to the commission for recommendation.
- 5) **Authority of localities to remove or repair the defacement of buildings, walls, fences and other structures on occupied property.** An amendment to Section 15.2-908 (A) of the Code of Virginia to provide that, when a locality removes or repairs

defacement occurring on a private building, wall, fence or other structure located on occupied or unoccupied property, and after complying with the notice requirements under this section, the actual costs or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected.

BE IT FURTHER RESOLVED that the Board requests the support of the Governor, the members of the General Assembly and the Virginia Association of Counties for the following initiatives:

- 1) **Cost of Competing Adjustment.** Budget legislation to increase the cost of competing adjustment paid to the school division to help pay for the higher costs to compete for teachers in the Northern Virginia region.
- 2) **Matching Funds for Purchase of Development Rights Programs.** Budget legislation to maintain state funds to match local dollars committed to local purchase of development rights programs.
- 3) **Local Regulation of Timbering.** An amendment to Section 10.1-1126.1 of the Code of Virginia to explicitly state that, once a subdivision plan or site plan is submitted for local approval at the request of the property owner for a development project, any timbering on the property is subject to local development regulations.
- 4) **Impacts of Land Development on Public Infrastructure. Amendments to the Code of Virginia to:**
 - a) allow localities to levy impact fees on development to pay for costs related to education;
 - b) allow localities to include in the local subdivision and zoning ordinances reasonable provisions allowing the governing body to determine whether public facilities are adequate to support development and to defer approval of a proposed development plan, if such public services are determined to be inadequate.
- 5) **Developer Securities for Subdivision Streets.** Enabling legislation to provide the local governing body the authority to:
 - a) reduce the original street security amount only at such time as the street is accepted into the VDOT system for maintenance;

b) withhold acceptance of securities or plat approvals if the developer or any partners are in default of street completions in another development in the County even if under a different corporation or partnership;

c) withhold building permits or occupancy permits until a street is accepted into the VDOT system for maintenance, even in the case where the minimum number of houses (currently three) have been constructed along the roadway to make the street eligible for inclusion in the system.

6) **Illegal Immigration.**

a) Grant counties the authority to sanction businesses that employ illegal immigrants once permitted to do so by federal law;

b) Grant counties the authority to deny services to illegal immigrants other than emergency medical care and those services that ensure the health of the general population, once permitted to do so by federal law;

c) Seek federal reimbursement for the full cost of all public services provided to illegal immigrants.

d) Pass legislation to provide the clear authority for localities to request documentation on the legal status of anyone receiving public services from local government agencies; and

e) Grant counties the authority to revoke the business license of an employer who knowingly hires illegal immigrants.

7) **Regulation of All-Terrain Vehicles.** An amendment to Section 46.2-1051 of the Code of Virginia to add Stafford to the special authority granted to localities within the Northern Virginia Planning District to regulate, by ordinance, the operation of all-terrain vehicles as defined in Section 46.2-100 of Code of Virginia.

8) **Authority for a Local License Plate.** An amendment to Section 46.2-749.4 of the Code of Virginia to provide that the Division of Motor Vehicles may develop and issue special license plates incorporating the seal, symbol, emblem or logotype of any county, city or town on receipt of a minimum of 350 paid applications therefore, or on receipt of \$3,500 from the locality requesting the development of a non-revenue sharing plate.

9) **Car Title Lending.** Authority for localities to regulate, by ordinance, the activities of businesses offering loans secured by the borrower’s financial interest in an automobile.

Discussion on Department of Utilities Pump Station Overflows on August 22, 2009. Mr. Woodson and Mr. Milde commented.

Mr. Brito motioned, seconded by Mr. Woodson to reconsider Item 19.

Voting Board tally was:

Yea: (7) Brito, Woodson, Sterling, Milde, Dudenhefer, Schwartz, Crisp
Nay: (0)

Public Information; Approve the Parks Bond Brochure. Mr. Brito suggested that the star that represents the Gymnastics Center on the County map of Bond Projects be removed.

Mr. Brito motioned, seconded by Mr. Woodson to adopt proposed Resolution R09-358, with the removal of the Gymnastics Center star and allowing the Chairman to make minor changes without full Board consent.

The Voting Board tally was:

Yea: (7) Sterling, Brito, Crisp, Milde, Dudenhefer, Schwartz, Woodson
Nay: (0)

Resolution R09-358 reads as follows:

A RESOLUTION TO APPROVE THE PRINTING AND MAILING OF COPIES
OF THE PARKS AND RECREATION BOND REFERENDUM BROCHURES
TO STAFFORD COUNTY RESIDENTS AND BUSINESSES

WHEREAS, on November 3, 2009, Stafford County citizens will be asked to consider a local bond referendum question to allow the County Government to use general obligation bond financing to make parks and recreation improvements and acquisitions in Stafford; and

WHEREAS, the question on the ballot will ask citizens if they wish the County to contract a debt and issue its general obligation bonds in the maximum amount of Twenty-Nine Million Dollars (\$29,000,000) for the purpose of paying the costs, in whole or in part, for certain parks and recreation projects; and

WHEREAS, staff has developed a Parks and Recreation Bond Referendum brochure which provides the exact question that will appear on the November 3 ballot; lists project descriptions and estimated costs for each; includes a map with the locations of the proposed projects; answers frequently asked questions about the projects; and includes photos of parks and recreation projects that the bond could pay for; and

WHEREAS, the Board desires to ensure that all Stafford citizens have sufficient information to make an informed decision, and in addition to mailing the brochures will post information on all three cable television channels and run advertisements in the *Free Lance-Star* and *Stafford Sun*; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September 2009, that the County Administrator be and he hereby is authorized to print and mail Parks and Recreation Bond Referendum brochures to Stafford residents and businesses.

Public Works; Authorize a Public Hearing to Consider the Virginia Department of Transportation (VDOT) FY2010-FY2015 Secondary System Six-Year Improvement

Mr. Dudenhefer motioned, seconded by Mr. Crisp to adopt proposed Resolution R09-330.

The Voting Board tally was:

Yea: (7) Dudenhefer, Schwartz, Woodson, Sterling, Brito, Crisp, Milde

Nay: (0)

Resolution R09-330 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO ADOPT THE VIRGINIA
DEPARTMENT OF TRANSPORTATION FY2010-FY2015 SECONDARY
SYSTEM SIX-YEAR IMPROVEMENT PROGRAM

WHEREAS, the Virginia Department of Transportation (VDOT) is responsible for the construction and maintenance of the Secondary System of State Highways in the County; and

WHEREAS, the Board sets priorities for the Secondary System Six-Year Improvement Program (SSYP); and

WHEREAS, the Board has received and considered the proposed FY2010-FY2015 SSYP; and

WHEREAS, pursuant to the Section 33.1-70.01 of the Code of Virginia (1950), as amended, the Board shall conduct a joint public hearing with the Virginia Department of Transportation prior to adopting the proposed FY2010-2015 SSYP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September 2009, that the County Administrator be and he hereby is authorized to advertise a public hearing for October 6, 2009, to adopt the proposed FY2010-FY2015 Secondary System Six-Year Improvement Program.

Update on FRED Bus Shelters. Mr. Anthony Romanello, County Administrator commented and answered Board members questions.

The Board directed staff to prioritize the list of proposed bus shelter locations based on utilization and bring it back to the Board at its October 6th meeting. Mr. Sterling motioned, seconded by Mr. Dudenhefer to release funds to pay for these shelters.

The Voting Board tally was:

Yea: (7) Milde, Dudenhefer, Schwartz, Woodson, Sterling, Brito, Crisp
Nay: (0)

Board of Supervisors Bylaws Revision. Mr. Joe Howard, County Attorney commented and answered Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Milde to adopt proposed Resolution R09-344 as written, including Attachment C, with the following amendment – strike “applied for, or submitted by,” and replace with “that will benefit monetarily”.

Discussion ensued.

Mr. Schwartz made a substitute motion, seconded by Mr. Woodson to adopt Exhibit A with an effective date of September 17, 2009.

Mr. Milde made a second substitute motion to adopt Attachment C with the addition of “employee of the County” inserted in the third paragraph after “homeowners association,”.

The Voting Board tally on the second substitute motion was:

Yea: (3) Milde, Dudenhefer, Sterling
Nay: (4) Schwartz, Woodson, Brito, Crisp

The Voting Board tally on the substitute motion was:

Yea: (5) Dudenhefer, Sterling, Schwartz, Woodson, Crisp
Nay: (2) Brito, Milde

Exhibit A reads as follows:

Members of the Board of Supervisors shall not accept monetary or other contributions from persons, groups, associations, partnerships, corporations, or other entities that have submitted an application or applications for Rezoning, Proffer Amendment, Conditional

Use Permit, Comprehensive Plan Amendment, or an Appeal before the Board of Supervisors, from the time such matter is submitted to the County to six months following final action on the matter by the Board of Supervisors or when the matter is withdrawn, whichever is sooner. If a contribution has been accepted, the Board member has the option of recusing himself from the matter or returning the contribution.

Legislative; Discuss Planning Commission letter addressed to the Board. Mr. Dudenhefer commented that he felt the Planning Commission was off track to consider a Certificate of Need and that the Board should direct them to consider only the original request.

Mr. Schwartz agreed stating that Certificates of Need are dealt with on the state level. Mr. Dudenhefer motioned, seconded by Mr. Crisp, for staff to draft a letter to the Planning Commission stating the Board's desire to keep with the intent and recommendation of proposed Ordinance O09-50.

The Voting Board tally was:

Yea: (7) Crisp, Milde, Dudenhefer, Schwartz, Woodson, Sterling, Brito

Nay: (0)

Legislative; Discuss Bylaws. Mr. Dudenhefer commented that when Board members are participating with outside agencies that they are required to carry the message, the vote, and the will of the Board once the Board has taken official action.

Discussion ensued. It was determined that this was covered in Section 6.1 in the Bylaws.

Recess. At 3:25 P.M, the Chairman declared a recess until 7:00 P.M.

Call to Order. At 7:01 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Schwartz gave the Invocation.

Pledge of Allegiance. Mr. Schwartz led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentations by the Public. The following persons spoke on topics as identified:

Craig Miller - Taser Use by Sheriff's Deputies

Mr. Crisp motioned to recess at 12:00 A.M. if the public hearings have not ended, and that the public hearing should be continued on Tuesday, September 22, 2009 at 7:00 P.M.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer to review the public hearing status at 11:30 P.M., and make a decision at that time.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Milde, Dudenhefer, Schwartz, Woodson, Sterling

Nay: (0)

Planning and Zoning; Reclassify Property at 75 Old Potomac Church Road from A-1, Agricultural, to B-2, Urban Commercial, on Assessor's Parcel 39-71A, Consisting of 53.83 Acres. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Raymond Shaw

Sherman Patrick, representative for the applicant

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O09-28.

The Voting Board tally was:

Yea: (6) Milde, Sterling, Dudenhefer, Schwartz, Brito, Crisp

Nay: (1) Woodson

Ordinance O09-28 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL ZONING DISTRICT TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR’S PARCEL 39-71A WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Old Potomac Church, LLC, Applicant, has submitted application RC2800486 requesting a reclassification from A-1, Agricultural to B-2, Urban Commercial on Assessor’s Parcel 39-71A; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of September, 2009, that the Stafford County Zoning Ordinance District Map be and it hereby is amended and reordained to reclassify from A-1, Agricultural to B-2, Urban Commercial on Assessor’s Parcel 39-71A. Associated Proffers for this reclassification are entitled “Proffer Statement, Old Potomac Church, LLC”, dated July 20, 2009.

Planning and Zoning; Consider a Conditional Use Permit to Allow an Animal Shelter as a Use Not Listed within an A-1, Agricultural Zoning District on Assessor’s Parcel 39-102B

Consisting of 10.15 Acres. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Clark Leming, representing the property owner

Vern Bartz

Cari Bartz

Kelsey Miller

Carol Dominy

Bill Hoyt

Maira Hoyt

April Holmes

Drue Brownback

Richard Bennett

Kathy Wrenn

Hugh Barber

Thea Norman

Dana Brown

Lori Leary

Melissa Felts

Helen Jewett, DVM

Daurie Simmons

Kristen Marie Lawrence

Irene Egan

Angela Foroughi

Edwin LaBarre

Dave Skewis

Donna Dawkins

Ozzy Ramos

David Miller

Rozania Smith
Michael Smith
Mark Wilson
Frank Withrow
Michelle Clay
Maxine Ringle
Richard Kent Wilson
Ted Ghinea
Rae Lynn Boyer
Marybeth Ghinea
Chris Poole
Sharon Kelley
Eric Kelley
Chuck Feldbush
Kandy Hilliard
Archer DiPeppe
Gertrude Bojonny
Sharon Strange
Sharon Davis
Vic Lipinski
Becky Lipinski
Brittany Neigh
Vincent Truslow
Jessica Brinkmann
Lisa Olsson
Fred Cannon
Jo Knight
Ken Charvoz

The Chairman closed the public hearing.

Mr. Clark Leming presented his rebuttal.

Mr. Bill Hoyt, property owner, answered Board members questions.

Mr. Schwartz motioned, seconded by Mr. Woodson to adopt proposed Resolution R09-176 to deny the application.

Discussion ensued.

Mr. Crisp made a substitute motion for deferral, and the County to look at alternate sites for the SPCA and report back to the Board in 90 days. The motion failed due to a lack of a second.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer to adopt proposed Resolution R09-157.

Mr. Sterling made a second substitute motion, seconded by Mr. Crisp to adopt proposed Resolution R09-157 with the following changes: Approve with a modified conditional use permit to allow what is outlined in Phase I; which is the existing building, temporary outdoor runs, play areas, dog park, and limited the number of dogs to 15 and no more than 40 cats. Also, initiate a Conditional Use Permit for up to 30 acres of County-owned / co-owned with the City of Fredericksburg, or R-Board land, as determined to be suitable for this purpose, excluding park land. He motioned to further direct the Board members who sit on the R-Board to initiate the process to identify with the City of Fredericksburg those 30 acres and that County staff look at County-owned property that is suitable for this purpose.

The Voting Board tally was:

Yea: (5) Sterling, Crisp, Milde, Dudenhefer, Brito

Nay: (2) Schwartz, Woodson

Resolution R09-157 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2800697 TO ALLOW AN ANIMAL SHELTER AS A USE NOT LISTED WITHIN AN A-1, AGRICULTURAL, ZONING DISTRICT, ON ASSESSOR'S PARCEL 39-102B, AQUIA ELECTION DISTRICT

WHEREAS, the Stafford County Board of Supervisors, applicant, has submitted application CUP2800697 requesting a Conditional Use Permit to allow a use not listed within an A-1, Agricultural, Zoning District, specifically an animal shelter, on Assessor's Parcel 39-102B; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-37 of the Zoning Ordinance which states if a use is not specifically permitted anywhere in Table 3.1, an application may be made for such use as a conditional use pursuant to Section 28-185 which would permit this use in an A-1, Agricultural, Zoning District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September, 2009, that a Conditional Use Permit pursuant to application CUP2800697 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow an animal shelter on Assessor's Parcel 39-102B. The shelter shall be limited to no more than fifteen (15) canines and forty (40) felines, and the animal shelter shall be contained in the existing building on the property labeled "Main Building" on the General Overview and Landscape Plan.

2. Activities permitted on the site shall be limited to the use of the existing building for offices, meeting rooms, veterinary clinic, animal intake, animal adoption, and temporary shelter for up to fifteen (15) canines and for up to forty (40) felines; a dog park; memorial garden; walking paths; picnic areas; garage; small equipment storage building and other ancillary structures in locations as depicted on the General Overview and Landscape Plan entitled “Stafford SPCA” referred in the Board of Supervisors report dated September 15, 2009. The additional proposed kennels labeled as “Kennel I and Kennel II” as shown on said General Overview and Landscape Plan are deleted from the CUP application and are not allowed to be constructed under this CUP approval.
3. All animals must be secured in the Main Building by 9:00 P.M. No animals shall be permitted in the outside runs between the hours of 9:00 P.M. and 7:00 A.M.
4. The hours of public operation for all buildings shall be from 9:00 A.M. to 9:00 P.M. Monday through Saturday. The buildings will be closed to the public on Sunday.
5. The hours of operation for the dog park shall be from 9:00 A.M. to dusk daily.
6. The SPCA executive director and/or a member of his/her paid staff shall be on the premises during the permitted hours of operation and on emergency call during off hours of operation.
7. A metal, rust-resistant sign, at least four (4) square feet in area shall be posted on the security gate at the entrance of the subject property with the name of the current owner and a 24-hour, toll-free or local phone number in case of emergency.
8. All proposed structure walls shall be insulated and acoustic material shall be installed in the interior ceilings and outdoor roofs to minimize noise. All windows in the existing structure shall be replaced with insulated windows to minimize noise.
9. All animals shall be kept in enclosed areas or pens.
10. The Main Building shall be cleaned and disinfected daily. Any solid animal wastes outside the structures, i.e. the dog park, outdoor runs, walking trail shall be picked up, disposed of in biodegradable bags, placed in waste disposal trash cans

- to be emptied on a daily basis. Contracted trash and waste removal service will occur on a weekly basis.
11. All indoor kennel areas shall be located a minimum of fifty (50) feet from any property line.
 12. Use of the Main Building, regarding the number of animals allowed shall not exceed the carrying capacity of the septic waste disposal system. Any paperwork regarding this waste system will be submitted to the Director of Planning and Zoning and on file for staff and public view from the Virginia Health Department.
 13. Access to the proposed use shall be limited to the one (1) existing entrance located off of Andrew Chapel Road.
 14. In order to ensure the safety of pedestrians and vehicle operators, no initial occupancy or continued operation following initial occupancy shall occur unless the existing private vehicular travel lane, including the existing concrete bridge leading to and from the site, and all other vehicle access routes to and from the site if any, conform and continue to conform to all applicable federal, state and local private vehicular travel lane and bridge standards.
 15. Lighting on site shall be directed downward and inward away from adjacent properties.
 16. All existing trees with a trunk diameter greater than two (2) inches in diameter at breast height (DBH) located within the required minimum buffer width of fifty (50) feet shall not be removed except trees up to twelve (12) inches in diameter may be removed in the area of the proposed walking paths or trails as shown on the General Overview and Landscape Plan entitled “Stafford SPCA” referred in the Board of Supervisors report dated September 15, 2009. Trees that have been damaged by storms or other natural causes shall be removed.
 17. All transitional screening enhancements will consist of at least fifty (50) percent evergreens for the plant units required at site plan.
 18. Prior to any site plan approval, all existing and future structures shall be in conformance with the National Fire Protection Association (NFPA)-13 standards and any County Fire Department water supply requirements.

19. Prior to site plan approval, the property owner shall submit documentation to the County certifying the maximum load capacity of the existing concrete bridge located near the intersection of Andrew Chapel Road along the private access easement. A bridge (whether the existing or a new one) shall be constructed and/or strengthened to hold thirty-five (35) tons of weight in order to accommodate County Fire Department apparatus prior to the issuance of an occupancy permit.
20. This Conditional Use Permit may be revoked or conditions amended by the Board of Supervisors for violation of these conditions or any applicable county, federal or state code.

Adjournment. At 12:10 A.M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

George H. Schwartz
Chairman